

Concord, NH

District of Merrimack NH Docket # CV-00748-SM

Favorite Things Natasha Athens

v.

Bank of America et al Megan Scholz

Defendants

PLAINTIFF'S NOTICE TO THE COURT

For the following predjudice and failure to take lawful action in this matter, the Plaintiff is SEEKING REMEDY as the bias and failure on this court and all parties is criminal and they have paralyzed the rights of the Plaintiff. There are multiple remedy's as the law allows, and the Plaintiff is seeking advivce on which is the best remedy.

Loan funds are a civil matter, the criminal actions are that the court, the Defendants and the attorney are in bed together to prevent the civil remedy of this case and are in fact, aiding each other in hopes of PREVENTING civil remedy.

For this reason, this case has been forwarded to 5 members of Congress as well as multiple federal agencies. The Congressional representatives in New Hampshire as part of the criminal cartel that allows for the judges and lawyers in this state to violate the rights of its own citizens.

Banks stand to "profit" 18 Billion from CARES act, and this has been abused MOST by Bank of America through overbilling, denial of access to funds for their own customers, and theft of actual forgiveness, while they overbill and created an entire unchecked department who is billing. This is why they failed to assist and put loans through.

<https://theintercept.com/2020/07/14/banks-cares-act-ppp/>

The fees compensate the banks for some of the costs that come with processing loans — call center time to handle business owners' questions, employee hours spent on processing paperwork for both loan and forgiveness applications — and some of the risk they shoulder if any of the loans they extend end up being fraudulent. **But there is no credit risk; if business owners who qualified for PPP**

loans later default, the Small Business Administration takes the hit, not the banks. "Basically it's free money," Fischer said.

For some banks, this money represents a hefty windfall. New Jersey-based Cross River Bank's **estimated \$163 million** haul would be more than double its net revenue last year. **JPMorgan Chase could make \$864 million.**

The fact that banks are siphoning money off of the relief program is thanks to the fact that the United States had no existing public infrastructure ready to quickly get money out to struggling businesses when the pandemic hit.

The following has been compiled in the criminal actions of this case on all parties, including the alleged attorney's in this case.

<https://www.primmer.com/attorneys>

Attorneys Gary M Burt, Doreen Connor, Matthew Delude, Debra Dupont, John Griffin (shareholder) A Eli Leino, John Monson, Brendon O'Brien, Thomas Pappas, Paul Phillips, John D Prendergast, Bailey Robbins, Jonathan Ross, and Sandra Merrigan - have all been turned in for conflict of interest, and other reasons to investigate the link between the Defendant and their wallets.

This entire law firm and all of their branches deal with bankruptcy cases.

When the attorney on this matter "signed on" but failed to serve the Plaintiff of his appearance, he engaged in bank fraud with his client. To this day, he has failed to advise his own client, Megan Scholz, and Bank of America that they need to put a lawful TOTAL forgiveness application through to the Plaintiff, and 2nd, he would have had to advise his client to opt in to the direct forgiveness portal available to ALL PPP loan recipients. Showing his complicity in BOA's gain of locking people out of lawful forgiveness implicates him and everyone in his lawfirm.

Criminal statues and jail time + fines + restitution

18 U.S. Code CHAPTER 73

Bank Fraud

18 U.S. Code § 1344 - Bank fraud

Defendant Megan Scholz and CEO Brian Moynihan are able to be charged with a single count of bank fraud for each person to which 100% loan forgiveness was not sent to them in an application.

Bank fraud: A fine of up to \$1,000,000 and/or a prison sentence of up to 30 years. Mail and wire fraud: Both carry a maximum prison sentence of up to 20 years. If the scheme also involved a bank, the potential fine increases to up to \$100,000: [18 U.S.C. Section 1343]

Whoever knowingly executes, or attempts to execute, a scheme or artifice—

(1)to defraud a financial institution; or

(2)to obtain any of the moneys, funds, credits, assets, securities, or other property owned by, or under the custody or control of, a financial institution, by means of false or fraudulent pretenses, representations, or promises;

shall be fined not more than \$1,000,000 or imprisoned not more than 30 years, or both

Megan Scholz - Count 1 failing to issue lawful forgiveness application

Count 2, Submitting reduced loan forgiveness application

Count 3, Email stating that forgivable amount was 0.

Count 4, Email stating that forgiveness amount was \$1.00

Count 5, Submitting application for forgiveness on legitimate loan for \$1.00

Count 6, Email stating that the "bank had made an error"

Count 7, Bullying intimidating, abusing power, demeaning a customer to attempt to manipulate them into taking lesser forgiveness vs. pay the total borrowed.

Count 8 Once sued, failing to submit lawful application

BANK OF AMERICA

Count 1 - 1 count of bank fraud per loan that is not 100% forgiveness

Count 2 1 count per email that offers only partial forgiveness and

Count 3, telling people they were "overloaned"

Count 4 Having PPP loan operators recite to borrowers a "speech" that states they are not entitled to full forgiveness.

Count 5 Massive overbilling to obtain hourly funds for those calls in order to enrich the bank and inflict distress on their small banking clients. This overbilling scheme should award restitution back to the funding to be given to the rightful recipients - the small businesses hurt by lockdowns and COVID.

This scheme includes MILLIONS of dollars in overbilling.

Count 6, CEO Brian Moynihan - the BANK THEIF behind the entire unlawful enrichment.

https://www.law.cornell.edu/wex/unjust_enrichment

Unjust enrichment occurs when Party A confers a benefit upon Party B without Party A receiving the proper restitution required by law. This typically occurs in a contractual agreement when Party A fulfills his/her part of the agreement and Party B does not fulfill his/her part of the agreement.

Unjust Enrichment is distinguished from a gift, as a gift is given without the reasonable expectation of receiving something in return. As such, when Party A gives Party B a gift, Party A has no legal recourse to receive something in return.

How to Recover Under a Claim of Unjust Enrichment

To recover on a claim of unjust enrichment, the plaintiff must show that the defendant was unjustly enriched at the plaintiff's expense. Therefore, according to Bloomgarden v. Coyer, the plaintiff has the burden of proof.

Recovery on a theory of unjust enrichment typically occurs where there was no contract between the parties, or a contract turns out to be invalid. See Wex: quasi-contract.

Count 7 Failure to send a full forgiveness application to the Plaintiff

Count 8 Failure to settle this case once it was filed and expect to implicate others for past favors and payments

Count 9 Failure to opt in to the SBA forgiveness portal so borrowers could have faster and legitimate forgiveness

Count 10, Obtaining interest on 100% forgiven loans (1 count per loan that makes this bank a profit) All legitimate loans are 100% forgivable

Count 11 Failing to make the 2nd round of applications for PPP loan funds available to previous borrowers by tripping them up, and altering access to submit documents for funding. The bank intended to BLOCK 2nd round, rather than allow them to legitimate businesses that were suffering. This is 1 count per borrower that was not able to go through the lending process. The bank changed the terms to prohibit access to these funds. The bank made up terms that were NOT done in other banks. The bank made up criteria for the application that was NOT DONE by other banks. The bank took away assistance to people by not having anyone help with how to find the documents in taxes, nor help on the 1-800 line to answer questions. The bank purposely did not return calls.

Count 11, The bank's failure to respond to an ethics violation complaint on Megan Scholz

Count 12 The bank's failure to address multiple case numbers of complaint's filed by the Plaintiff (1 criminal count for each failed response)

and so on, Brian's crimes are endless, this was just what was the tip of the iceberg.

Judicial Violation of Oath

28 U.S. Code § 453 - Obstruction of Justice

<https://www.law.cornell.edu/uscode/text/18/1503>

Judicial Misconduct

Judges caught with compromise

<https://www.dailymail.co.uk/news/article-10038643/131-federal-judges-broke-law-hearing-cases-involving-companies-financial-in.html>

Judicial misconduct occurs when a judge acts in ways that are considered unethical or otherwise violate the judge's obligations of impartial conduct.

Actions that can be classified as judicial misconduct include: conduct **prejudicial to the effective and expeditious administration of the business of the courts** (as an extreme example: "falsification of facts" at summary judgment); using the judge's office to obtain special treatment for friends or relatives; accepting bribes, gifts, or other personal favors related to the judicial office; having improper discussions with parties or counsel for one side in a case; **treating litigants or attorneys in a demonstrably egregious and hostile manner; violating other specific, mandatory standards of judicial conduct, such as judicial rules of procedure or evidence**, or those pertaining to restrictions on outside income and requirements for financial disclosure; and acting outside the jurisdiction of the court, or performance of official duties if the conduct might have a prejudicial effect on the administration of the business of the courts among reasonable people. Rules of official misconduct also include rules concerning disability, which is a temporary or permanent condition rendering a judge unable to discharge the duties of the particular judicial office.[1]

28 U.S. Code § 455 - Disqualification of justice, judge, or magistrate judge

a)Any justice, judge, or magistrate judge of the United States shall disqualify himself in any proceeding in which his impartiality might reasonably be questioned.

(b)He shall also **disqualify himself** in the following circumstances:

(1)Where he has a **personal bias or prejudice concerning a party**, or personal knowledge of disputed evidentiary facts concerning the proceeding;

(2)Where in private practice he served as lawyer in the matter in controversy, or a lawyer with whom he previously practiced law served during such association as a lawyer concerning the matter, or the judge or such lawyer has been a material witness concerning it;

(3)Where he has served in governmental employment and in such capacity participated as counsel, adviser or material witness concerning the proceeding or expressed an opinion concerning the merits of the particular case in controversy;

(4)He knows that he, individually or as a fiduciary, or his spouse or minor child residing in his household, **has a financial interest in the subject matter** in controversy or in a party to the proceeding, or any other interest that could be substantially affected by the outcome of the proceeding;

(5) He or his spouse, or a person within the third degree of relationship to either of them, or the spouse of such a person:

(i) Is a party to the proceeding, or an officer, director, or trustee of a party;

(ii) Is **acting as a lawyer in the proceeding**;

(iii) Is known by the judge to have an interest that could be substantially **affected by the outcome of the proceeding**;

(iv) Is to the judge's knowledge likely to be a material witness in the proceeding.

(c) A judge should inform himself about his personal and fiduciary financial interests, and make a reasonable effort to inform himself about the personal financial interests of his spouse and minor children residing in his household.

(d) For the purposes of this section the following words or phrases shall have the meaning indicated:

(1) **"proceeding" includes pretrial, trial, appellate review, or other stages of litigation**;

(2) the degree of relationship is calculated according to the civil law system;

(3) "fiduciary" includes such relationships as executor, administrator, trustee, and guardian;

(4) **"financial interest" means ownership of a legal or equitable interest, however small, or a relationship as director, adviser, or other active participant in the affairs of a party, except that:**

(i) Ownership in a mutual or common investment fund that holds securities is not a "financial interest" in such securities unless the judge participates in the management of the fund;

(ii) An office in an educational, religious, charitable, fraternal, or civic organization is not a "financial interest" in securities held by the organization;

(iii) The proprietary interest of a policyholder in a mutual insurance company, of a depositor in a mutual savings association, or a similar proprietary interest, is a "financial interest" in the organization only if the outcome of the proceeding could substantially affect the value of the interest;

(iv) Ownership of government securities is a “financial interest” in the issuer only if the outcome of the proceeding could substantially affect the value of the securities.

(e) No justice, judge, or magistrate judge shall accept from the parties to the proceeding a waiver of any ground for disqualification enumerated in subsection (b). Where the **ground for disqualification arises** only under subsection (a), waiver may be accepted provided it is preceded by a full disclosure on the record of the basis for disqualification.

(f) **Notwithstanding the preceding provisions of this section, if any justice, judge, magistrate judge, or bankruptcy judge to whom a matter has been assigned would be disqualified, after substantial judicial time has been devoted to the matter, because of the appearance or discovery, after the matter was assigned to him or her, that he or she individually or as a fiduciary, or his or her spouse or minor child residing in his or her household, has a financial interest in a party (other than an interest that could be substantially affected by the outcome), disqualification is not required if the justice, judge, magistrate judge, bankruptcy judge, spouse or minor child, as the case may be, divests himself or herself of the interest that provides the grounds for the disqualification.**

All parties are aiding and abetting in the above crimes

<https://www.justice.gov/archives/jm/criminal-resource-manual-2474-elements-aiding-and-abetting>

The longer this group of complicit parties continues with their criminal actions and targeting the most vulnerable, the more that the investigation goes on, finds more charges, and involves more parties.

IF one person in this case had a conscious, and they do not, they would have put the loan into the forgiveness process and worked out a settlement for the rest of the case.

The Plaintiff was DENIED her second round of PPP loan funds due to the fraud of Bank of America. They rigged the funding to deter lawful funds to businesses.

The Defendant's continued to overbill and receive funds for their created staff, and bill the CARES act for these employees of the bank.

FORBES article

<https://www.forbes.com/sites/kotlikoff/2020/07/13/another-horrific-bank-of-america-horror-story-that-hundreds-if-not-thousands-are-apparently-experiencing/?sh=36beb93a4ee2>

The sad part is that the most greedy, entitled and egregious, true sociopaths and unwilling to ever to anything right. Their stance is that NO law, title, oath, applies to them.

Their failures are to themselves, anyone under their care, anyone they con and hide their actual persona to, and worst, they LIVE to abuse and demean those that are good and have integrity.

They target them, and try to reverse the actual facts to hide who they are. In this massive exhibit of addiction, greed, and theft of their own customers, there is not one person with enough backbone to stop this train.

The Plaintiff will be discussing with experts what is the next step. At any time, this case could be resolved and closed, and the SBA forgiveness application sent for the full amount. That portal is open 24/7 and has been the whole time. It's the sick egos of the parties that don't want to give up their own addiction to the feeling that they are "better than thou art" and they could not be more wrong. They are also all addicts, especially Defendant Megan, who gives off this persona of false giving and donating to compensate for her lack of self-worth and character. As for the law firm, typical cowardly and desperately greeding, attorney's that are good, don't have to grovel for cases that involve them in this level of criminal activity. This is bank mafia type crimes.

/s/ Natasha Athens -- Owner Favorite Things

CERTIFICATE OF SERVICE

to Megan Scholz, and Brian Moynihan on

October 29, 2021